Cables expose Washington's contempt for international law, democratic rights

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Secret cables published in recent days by WikiLeaks reveal the efforts of the United States to thwart the exposure by the Council of Europe and the International Criminal Court (ICC) of human rights violations by the US and its allies. The cables, among the more than 250,000 State Department documents leaked to the web site, reflect the hostility and contempt of both the Bush and Obama administrations for democratic rights and international law.

A series of cables dispatched in September and October of 2009 give vent to the disdain of Washington for the Council of Europe, which monitors human rights in 47 European nations. The Council in Strasbourg oversees the European Court of Human Rights.

In the likely event that WikiLeaks founder Julian Assange faces extradition to the United States, the European Court of Human Rights will become his last court of appeal in opposing such action.

The cables from 2009, drafted by Vincent Carver, the consul general at the US embassy in Strasbourg, express US vitriol over the Council's earlier exposures and condemnations of Washington's policy of rendition—in which alleged terrorists are abducted and transported to a third country, where they face interrogation and torture without any legal protections—and the complicity of European governments in the US practice. The Council has also exposed and denounced secret CIA "black site" prisons in Europe and elsewhere.

A cable marked "classified" from March of 2009 is headlined "Council of Europe: More Effective Around the Edges than at the Core." It begins: "The Council of Europe (COE) likes to portray itself as a bastion of democracy, a promoter of human rights, and the last best hope for defending the rule of law in Europe—and beyond. It is an organization with an inferiority complex and, simultaneously, an overambitious agenda. In effect, it is at its best in providing technical assistance to member-states and at its worst in tackling geo-political crises."

The cable was sent in advance of a visit to Washington by the then-secretary general of the Council, Terry Davis of the UK. Carver disparages Davis, who was preparing to leave office that summer, as an "unpopular lame duck." Davis had vocally opposed some attempts by the US to extradite Europeans and had denounced US renditions and secret CIA prisons.

Carver writes that the Council "receives (rightfully, in our view) neither the level of funding nor the attention from member-states that other regional organizations, such as the EU and the OSCE (Organization for Security and Cooperation in Europe) receive."

Of the European Court of Human Rights, Carver writes: "The ECHR will block the extradition of prisoners to non-COE countries if it believes they would be subject to the death penalty or torture. It has also requested more information on pending British extradition cases to the US where it believes the prisoners might be sentenced in the US to life imprisonment with no possible appeal or automatic judicial review of the life sentence."

Carver proceeds to denounce the Council for blocking efforts led by its Eastern European members to condemn Russian actions in Georgia.

"Finally," the cable continues, "we turn to one issue where the COE (Council of Europe) has been both an irritant and, more recently, somewhat of a champion—Guantanamo." Carver singles out Dick Marty, a member of the Swiss delegation and an

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investigator for the Council, who "conducted an investigation into renditions and 'secret prisons' in Europe connected to the US war on terrorism. His work created a great deal of controversy and anti-US sentiment in the COE."

Marty issued reports in 2006 and 2007 documenting US renditions involving European states, describing them as "criminal acts" which " run counter to the laws that prevail in all civilized countries today." He also exposed the existence of CIA secret prisons in Poland, Romania and other locations around the world.

Carver wrote more favorably about the role of Secretary General Davis and COE Human Rights Commissioner Thomas Hammarberg in calling on Council member-states to accept Guantanamo detainees and help the US close the facility.

A second cable from September 2009 deals with the imminent election of a new Council secretary general to replace Davis. Carver urges the State Department to quickly arrange a meeting between a "ranking Department official" and Davis' successor (and current secretary general) Thorbjørn Jagland, former prime minister of Norway.

"Jagland can be expected to criticize the US for the death penalty," Carver writes. "He may, however, be less enthusiastic than the previous SecGen Terry Davis (UK) in publicly criticizing renditions, particularly if we review the issues with him soon."

A third cable deals with US efforts to shape the deliberations on climate change of the Council's Environment Committee in accordance with Washington's policy of placing the onus for emissions reductions on emerging economies such as China and India. It states: "Former White House adviser Kathleen McGinty effectively outlined her views of the Obama administration's commitment to fighting climate change to the… Environment Committee September 29. CG underscored the need for all countries, including developing ones, to cut carbon emissions as part of any agreement coming out of the Copenhagen conference."

The cable notes a move to add a protocol to the European Convention of Human Rights on the "right to a healthy environment," but adds, approvingly, that "one western ambassador told us the CEO's Council of Ministers 'will bury' the proposal."

Another set of cables from 2003 reflect US hostility to the International Criminal Court, established by the United Nations in 2002 to prosecute individuals for war crimes, crimes against humanity and genocide, up to and including government leaders. The US has refused to join the court on the grounds that Americans must be exempt from the operations of such an international judicial body.

One cable, sent in July 2003, reflects Washington's fears that the court might prosecute US and British war crimes in Iraq. The cable, sent three months after the election of Argentinean Luis Moreno-Ocampo as chief prosecutor, states: "Less clear are [Ocampo's] views on Iraq. Ocampo has said that he was looking at the actions of British forces in Iraq—which led a British ICTY (International Criminal Tribunal for the Former Yugoslavia) prosecutor nearly to fall off his chair.

"Privately, Ocampo has said that he wishes to dispose of Iraq issues (i.e., not to investigate them)."

The US had good reason to fear prosecution for war crimes, having just carried out the unprovoked invasion of Iraq on the basis of outright lies.

More recent cables reflect Washington's strong opposition to any expansion of the court's role. The Obama administration opposed "crimes of aggression" being added to the list of those within the ICC's jurisdiction. The crime is defined as one "committed by a political or military leader which, by its character, gravity and scale, constituted a manifest violation of the [UN] Charter." It was adopted as falling within the purview of the court in June.

US efforts to subvert and manipulate international organizations such as the Council of Europe and the ICC underscore Washington's repudiation of the Nuremburg principles, which define the planning and launching of aggressive war as a war crime. In their place, the American ruling class has adopted the doctrine of preemptive war, a rationalization for the unilateral use of military force against any country deemed a threat or even a potential threat to US imperialist interests.

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